

1960

## c 218 Liquor Licence Act

Ontario

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## CHAPTER 218

## The Liquor Licence Act

## 1. In this Act,

Interpre-  
tation

- (a) "beer" means beer as defined in *The Liquor Control Act*; R.S.O. 1960,  
c. 217
- (b) "Board" means the Liquor Licence Board of Ontario;
- (c) "club" means a club,
- (i) that is organized in the manner prescribed by the regulations,
  - (ii) that has the special accommodation, facilities and equipment that are prescribed by the regulations,
  - (iii) that has for its objects definite purposes of a social, recreational or patriotic nature,
  - (iv) that has not fewer than fifty members,
  - (v) in which the members whose names and addresses are entered in a list of members and whose dues are paid in the manner prescribed by the rules or by-laws of the club may vote for all purposes of the club,
  - (vi) that is not operated for pecuniary gain, and
  - (vii) that has been organized and in active operation for not less than one year prior to the time of application for a licence;
- (d) "dining lounge" means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and the special services that are prescribed by the regulations are regularly furnished to the public and liquor is served with meals;
- (e) "dining room" means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations

and that is used exclusively for the serving of regular meals in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;

- (f) "establishment" means a club, hotel, inn, public house, tavern, military mess, restaurant, railway car or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued;
- (g) "hotel" or "inn" means an establishment in regular operation that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and lodging are regularly furnished to the public and having,
  - (i) in municipalities with a population of over 100,000, not less than fifty bedrooms,
  - (ii) in cities with a population of less than 100,000 and in towns, not less than twenty bedrooms, and
  - (iii) in any other part of Ontario, not less than ten bedrooms,and in every case having a sufficient number of bedrooms to serve the needs of the community where the establishment is located;
- (h) "justice" means a magistrate, and where no magistrate is available, means two or more justices of the peace;
- (i) "last revised list of the municipality" means the voters' list for the municipality as finally revised;
- (j) "licence" means a licence provided for and issued under this Act;
- (k) "licensed premises" means premises for which a licence is issued under this Act;
- (l) "licensing district" means a licensing district constituted under this Act;
- (m) "liquor" means liquor as defined in *The Liquor Control Act*;
- (n) "lounge" means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, liquor is served;

- (o) "military mess" includes a canteen and an institute in a building or camp used for the accommodation of the active or reserve units of the naval, military or air forces of Canada;
- (p) "Minister" means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (q) "Ontario wine" means Ontario wine as defined in *The Liquor Control Act*; R.S.O. 1960,  
c. 217
- (r) "public house" means an establishment or part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, beer is served;
- (s) "railway car" means a railway dining car, railway buffet car, railway club car or a drawing-room, bedroom or compartment in a railway sleeping car;
- (t) "regulations" means the regulations made under this Act;
- (u) "restaurant" means an establishment that is exclusively engaged in the serving of regular meals to the public, in consideration of payment, as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;
- (v) "steamship" means a vessel propelled through water by any power other than muscular power that carries passengers and plies regularly between any port in Ontario and any port in or outside Ontario;
- (w) "tavern" means an establishment having separate parts thereof that have the special accommodation, facilities and equipment that are prescribed by the regulations for at least two of the following classes of licences:
- (i) dining lounge licence,
  - (ii) dining room licence,
  - (iii) lounge licence,
  - (iv) public house licence;
- (x) "wine" means wine as defined in *The Liquor Control Act*. R.S.O. 1950, c. 211, s. 1; 1960, c. 60, s. 1, *revised*.

## THE BOARD

The Liquor  
Licence  
Board of  
Ontario

**2.** The Liquor Licence Board of Ontario is continued and shall consist of three members appointed by the Lieutenant Governor in Council. R.S.O. 1950, c. 211, s. 2.

Chairman  
and vice-  
chairman

**3.** The Lieutenant Governor in Council may designate one of the members of the Board as chairman and another of the members as vice-chairman. R.S.O. 1950, c. 211, s. 3.

Quorum

**4.** Two members of the Board constitute a quorum. R.S.O. 1950, c. 211, s. 4.

Disqualifi-  
cation,  
members  
and staff

**5.** No member, registrar, deputy registrar, official, inspector or employee of the Board shall by himself, his partner or agent have any interest directly or indirectly in,

- (a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor;
- (b) any licensed premises; or
- (c) any contract of any nature in respect of any licensed premises, or any premises upon which liquor is manufactured, produced, sold or kept for sale. R.S.O. 1950, c. 211, s. 5.

Salaries of  
Board

**6.** The members of the Board shall be paid such salaries as are fixed by the Lieutenant Governor in Council. R.S.O. 1950, c. 211, s. 6.

Staff

**7.** The staff of the Board shall consist of a registrar, deputy registrars and such officials, inspectors and employees as the Board, with the approval of the Lieutenant Governor in Council, appoints. R.S.O. 1950, c. 211, s. 7.

Salaries  
of staff

**8.** The registrar, deputy registrars, officers, inspectors and employees of the Board shall be paid such salaries or other remuneration as the Board, with the approval of the Lieutenant Governor in Council, determines. R.S.O. 1950, c. 211, s. 8.

Special  
services

**9.** When the Board, by virtue of any power vested in it, appoints or directs any person, other than a member of the staff of the Board, to perform any service, such person shall be paid such sum for services and expenses as the Board, with the approval of the Lieutenant Governor in Council, determines. R.S.O. 1950, c. 211, s. 9.



**10.** The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be paid monthly by the Liquor Control Board of Ontario. R.S.O. 1950, c. 211, s. 10. <sup>Payment of salaries</sup>

**11.** No member of the Board, registrar, deputy registrar, official, inspector or employee of the Board is compellable to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board. R.S.O. 1950, c. 211, s. 11. <sup>Officials not compelled to testify</sup>

**12.** The books and records of the Board are at all times subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant Governor in Council authorizes in that behalf. R.S.O. 1950, c. 211, s. 12. <sup>Audit of books</sup>

#### LICENSING DISTRICTS

**13.** The Lieutenant Governor in Council may designate areas in Ontario as licensing districts. R.S.O. 1950, c. 211, s. 13. <sup>Licensing districts</sup>

#### PROCEEDINGS BEFORE AND INVESTIGATIONS BY THE BOARD

**14.** Proceedings before the Board shall be instituted by application and the Board may make such orders, give such directions and issue such certificates as it deems proper or as are necessary or incidental to the exercise of its powers. R.S.O. 1950, c. 211, s. 14. <sup>Form of proceedings</sup>

**15.** Where in the opinion of the Board any of the relevant circumstances relating to an application heard by it have altered or new evidence in connection therewith has become available, the Board may review any order made upon such application. R.S.O. 1950, c. 211, s. 15. <sup>Review of order</sup>

**16.** For the purpose of any hearing or investigation, the Board has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, except that, <sup>Evidence</sup>

- (a) the rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses do not apply;

- (b) no person is entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;
- (c) no person shall refuse to answer any question upon any ground of privilege, but a solicitor shall not be required to disclose any communications between himself and his client; and
- (d) no provision of *The Evidence Act* exempts any bank or any officer or employee thereof from the operations of this section. R.S.O. 1950, c. 211, s. 16.

R.S.O. 1960,  
c. 125

Investiga-  
tions by  
Board

**17.**—(1) The Board may make such investigation as it deems expedient for the due administration of this Act into or respecting,

- (a) any person or the affairs or conduct of any person;
- (b) any authority at any time issued or held under *The Liquor Control Act* or *The Liquor Authority Control Act, 1944*, or any licence at any time issued or held under this Act, or any premises in respect of which any such authority or licence was at any time issued or held; or
- (c) any matter pertaining to the sale or handling of or transactions in liquor.

R.S.O. 1960,  
c. 217  
1944, c. 33

Idem

(2) Where an investigation is or is about to be undertaken under this section, the Board may by order,

- (a) authorize any person to seize and take possession of any documents, records or other property belonging to, in the possession or under the control of any person that the Board considers may be relevant to the investigation; and
- (b) appoint an accountant or other expert to examine documents, records, property or other matters that the Board considers may be relevant to the investigation. R.S.O. 1950, c. 211, s. 17.

Special  
audit

**18.**—(1) In addition to any audit provided for by the regulations, the Board may at any time authorize and direct any person to enter upon the premises where the books, accounts or records of or pertaining to any establishment, distillery, brewery or winery are kept or may be, and to inspect, study, audit, take extracts from or seize such books, accounts or other records.

(2) Every person having any book, account or record in his possession or under his control who refuses or fails to produce it or to comply with a request made pursuant to an authorization or direction of the Board given under subsection 1 is guilty of an offence and liable to a fine of not more than \$1,000. R.S.O. 1950, c. 211, s. 18.

Offence

19. No order, direction, certificate or subpoena or other document of the Board is valid or binding unless it is issued in the name of the Board and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar. R.S.O. 1950, c. 211, s. 19.

Validity of orders

20. The decisions, orders and rulings of the Board are final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court, but the Board may, or at the request of any person having a proprietary interest in the matter before the Board shall, state a case on a point of law only as provided from time to time in the *Criminal Code* (Canada). R.S.O. 1950, c. 211, s. 20; 1951, c. 47, s. 1.

Finality of orders

1953-54, c. 51 (Can.)

#### LICENCES AND PERMITS

21.—(1) Licences may be issued under this Act for establishments as provided in section 24 and shall be of the following classes and for the purposes indicated:

Licences

1. Dining lounge licence, for the sale and consumption of liquor with meals.
2. Dining room licence, for the sale and consumption of beer and wine with meals.
3. Lounge licence, for the sale and consumption of liquor.
4. Public house licence, for the sale and consumption of beer in premises to which men only are admitted. R.S.O. 1950, c. 211, s. 21 (1), cls. (a-d).
5. Public house licence, for the sale and consumption of beer in premises to which women only or women escorted by men are admitted as provided by the regulations. 1957, c. 62, s. 1.
6. Club licence, for the sale and consumption of liquor with or without meals in an establishment classified as a club.



7. Club licence (restricted), for the sale and consumption of beer and wine with meals and beer without meals in an establishment classified as a club. 1953, c. 58, s. 1.

Expiration  
of licences

(2) Subject to the provisions of this Act relating to the renewal, suspension and cancellation of licences, every licence expires at midnight on the 31st day of March next following its issue.

Number of  
licences to  
be issued in  
municipality

(3) The Board may restrict the number of licences or of any class of licences that it issues in any municipality. R.S.O. 1950, c. 211, s. 21 (2, 3).

Banquet or  
entertainment  
permits

**22.**—(1) The Board may issue banquet or entertainment permits for the serving of liquor on designated premises for special occasions as provided by the regulations and may issue any such permit upon such terms and subject to such conditions as it prescribes.

Application

(2) Application for a banquet or entertainment permit may be made to the registrar or to the deputy registrar for the licensing district in which the banquet or entertainment is to be held. R.S.O. 1950, c. 211, s. 22.

Mess and  
canteen  
permit

**23.**—(1) The Board may issue a mess and canteen permit to the officer commanding any unit, station or establishment of the naval, military or air forces of Canada that is designated to the Board by the Minister of National Defence for Canada authorizing him to purchase liquor for consumption in messes and canteens under his control.

Provincial  
jurisdiction  
not  
conferred

(2) Neither the application for a permit, the issue of a permit nor the designation of a unit, station or establishment by the Minister of National Defence for Canada confers any provincial jurisdiction with respect to such unit, station or establishment or in respect of any mess or canteen.

Jurisdiction  
of Board  
not  
interfered  
with

(3) Nothing in this section shall be construed as interfering with the jurisdiction of the Board with respect to a military mess in respect of which a licence is issued under this Act. R.S.O. 1950, c. 211, s. 23.

Licences,  
issue

**24.**—(1) The Board may, subject to this Act and the regulations and to the local option provisions of any Act of the Parliament of Canada or of the Legislature, issue to the owner of an establishment of any of the following classes, a licence or licences of one or more of the classes indicated: R.S.O. 1950, c. 211, s. 24 (1), *part.*

1. Hotels, inns or taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence,
- iv. public house licence,

but the Board shall not issue a dining lounge licence or a lounge licence to an hotel, inn or tavern situated in a municipality in which such licences have not been issued heretofore to hotels, inns or taverns, unless or until an affirmative vote has been taken on question 7 or 8, as the case may be, of subsection 1 of section 72, and section 72 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 70 is in force therein. 1957, c. 62, s. 2 (1).

2. Military messes, railway cars and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence,
- iv. public house licence. R.S.O. 1950, c. 211, s. 24 (1), cl. (c); 1953, c. 58, s. 2 (1).

3. Restaurants, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a dining room licence. R.S.O. 1950, c. 211, s. 24 (1), cl. (d).

4. Public house, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect to which a licence is issued,

- i. a public house licence,
- ii. a dining room licence. 1953, c. 58, s. 2 (2).

5. Clubs, having special accommodation facilities and equipment prescribed by the regulations for the

designated parts of the establishment in respect to which a licence is issued,

- i. a club licence,
- ii. a club licence (restricted). 1953, c. 58, s. 2 (3).

Dining room  
and public  
house  
licences

(2) The Board shall not issue a dining room licence or a public house licence in any municipality in which such licences have not been issued, except in the case of,

1944, c. 33

- (a) an establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, including therein a privilege corresponding to the licence issued under this Act, was held on the 1st day of January, 1947; or
- (b) an establishment classified as an hotel, inn, club, military mess, railway car or steamship,

unless or until an affirmative vote has been taken on question 4, 5 or 6, as the case may be, of subsection 1 of section 72, and section 72 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 70 is in force therein. 1957, c. 62, s. 2 (2).

Scope of  
licence  
may be  
restricted

(3) The Board may restrict the scope or effect of any licence or may issue a licence upon such terms and subject to such further conditions as it prescribes. R.S.O. 1950, c. 211, s. 24 (3).

Classifica-  
tion of  
establish-  
ments

**25.** The Board shall classify all establishments in respect of which a licence is applied for or issued. R.S.O. 1950, c. 211, s. 25.

Classifica-  
tion of  
establish-  
ments  
authorized  
under  
1944, c. 33

**26.**—(1) The Board may, for the purposes of this Act, classify any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944* was held on the 1st day of January, 1947.

Classifica-  
tion as  
hotel

(2) Where in the opinion of the Board any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944* was held on the 1st day of January, 1947, is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel or inn notwithstanding that it does not comply with subclause i, ii or iii of clause g of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board deems advisable. R.S.O. 1950, c. 211, s. 26.



**27.** Except as permitted by the Board, bedroom accommodation that is available to the public in an establishment that is classified by the Board as a public house, restaurant or tavern, shall be rented only for weekly or longer periods. R.S.O. 1950, c. 211, s. 27. Bedroom accommodation

**28.—**(1) No licence may be issued, transferred or renewed under this Act to any person who, Where issue of licence prohibited

- (a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the licence is sought;
- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations prescribe;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) as a constable or other police officer or in any other capacity, is engaged in law enforcement or to any member of the family of any such person residing with him;
- (e) if an individual, is not a British subject;
- (f) if a corporation, does not comply with this Act and the regulations; or
- (g) if a club, does not comply with this Act and the regulations. R.S.O. 1950, c. 211, s. 28 (1); 1957, c. 62, s. 3 (1).

(2) Every person who applies for the issue, transfer or renewal of a licence and who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 29 is guilty of an offence. R.S.O. 1950, c. 211, s. 28 (2); 1957, c. 62, s. 3 (2). Failure to disclose

(3) The information for the prosecution for an offence under subsection 2 shall be laid within one year after the commission of the offence. 1953, c. 58, s. 3. Time for prosecution

**29.—**(1) No licence may be issued or renewed under this Act, Where issue of licence prohibited

- (a) to a person who is under agreement with any person to sell the liquor of any manufacturer;
- (b) to a manufacturer of liquor, or his agent, or to a person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;



- (c) to a person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or
- (d) for premises in which a manufacturer of liquor has an interest, whether freehold or leasehold, or by way of mortgage or charge or other encumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Failure to  
disclose

(2) If the existence of any of the conditions indicated in subsection 1, whether such condition existed at the time of the issue of the licence or arises thereafter, is not disclosed to the Board, the non-disclosure is an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest. R.S.O. 1950, c. 211, s. 29.

Information  
re corpora-  
tions

**30.** The directors of an incorporated company that applies for the issue, renewal or transfer to it of a licence, shall at the time of making the application or at any other time during the term of the licence, when ordered by the Board, produce such particulars of the officers and shareholders of the company as are required. R.S.O. 1950, c. 211, s. 30.

#### RIGHTS IN LICENCE

Licence does  
not confer  
any vested  
right

**31.** No person shall enjoy a vested right in the continuance of a licence, and upon the issue, renewal, transfer, cancellation or suspension thereof the value of a licence shall not be capitalized but becomes the property of the Crown in right of Ontario. R.S.O. 1950, c. 211, s. 31.

#### ANNUAL MEETING

Meeting to  
be held  
annually  
for each  
licensing  
district

**32.** A member of the Board shall hold a meeting annually, at a convenient place determined by the Board, for each licensing district between the 1st day of October and the 31st day of January in the year next following. 1960, c. 60, s. 2.

Notice

**33.** Notice of the annual meeting in the form prescribed by the regulations shall be published in a newspaper having a general circulation in the licensing district at least ten days before the meeting. R.S.O. 1950, c. 211, s. 33.

**34.** After a meeting has been held pursuant to section 32, <sup>Renewal of licences</sup> the Board shall review and determine applications for the renewal of licences. 1960, c. 60, s. 3.

#### SPECIAL MEETINGS

**35.**—(1) The Board or a member thereof may hold such <sup>Special meetings</sup> special meetings as are deemed necessary for the hearing and determination of,

- (a) applications for new licences;
- (b) deferred applications for renewals of licences;
- (c) proceedings involving the cancellation or suspension of a licence;
- (d) applications for transfers of licences;
- (e) proceedings in compensation matters;
- (f) applications for revocation of the suspension of a licence;
- (g) applications for review of orders of the Board; and
- (h) matters within the jurisdiction of the Board. R.S.O. 1950, c. 211, s. 35; 1960, c. 60, s. 4 (1).

(2) After a meeting has been held pursuant to subsection 1, <sup>Idem</sup> the Board shall review and determine the applications or other matters before the Board at such meeting. 1960, c. 60, s. 4 (2).

#### PROCEEDINGS ON APPLICATIONS

**36.**—(1) Every application shall be in the form prescribed <sup>Filing of application</sup> by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made.

(2) No application for a licence shall be heard at any special <sup>Leave to apply</sup> meeting until leave has been granted by the Board. 1951, c. 47, s. 2.

**37.** After leave has been obtained under section 36, notice <sup>Publication of notice</sup> of the application for a licence in the form prescribed by the regulations shall be published twice,

- (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or

- (b) where no newspaper is published in the municipality or community in which such premises are situated, in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than fifteen clear days before the meeting of the Board at which the application is to be heard. R.S.O. 1950, c. 211, s. 37; 1951, c. 47, s. 3.

Personal  
application

**38.** A licence shall not be issued by the Board unless the applicant therefor appears in person, but an incorporated company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board. R.S.O. 1950, c. 211, s. 38.

Renewals

**39.** Unless otherwise directed by the Board, it is not necessary for an applicant for the renewal of a licence to publish notice of his application or to appear in person before the Board. R.S.O. 1950, c. 211, s. 39.

Objections

**40.**—(1) Any person resident in a licensing district where the premises concerning which the application is made are situated may object to the application, and the grounds of objection in writing shall be filed with the deputy registrar at least ten days before the meeting at which the application is to be heard.

Applicant  
to be  
notified

(2) Upon receipt of an objection to an application, the deputy registrar shall notify the applicant thereof. R.S.O. 1950, c. 211, s. 40.

#### CANCELLATION AND SUSPENSION OF LICENCES

Application  
for cancella-  
tion

**41.**—(1) Upon an application being made to the Board for the cancellation or suspension of a licence, the Board may in its discretion by notice in writing require the holder of the licence to show cause to the Board why the licence should not be cancelled or suspended, and in the event of the failure of the holder of the licence to show cause, the Board shall take such action as the circumstances require.

Notice to  
licence  
holder

(2) The notice required by subsection 1 shall be sent by prepaid mail by the Board to the licence holder at his last known address at least seven days before the date of the meeting. R.S.O. 1950, c. 211, s. 41.



**42.** Upon the hearing of an application for cancellation of a licence, the Board may dismiss the application or make such order as it deems proper and in any such order may, Powers of Board at hearing

- (a) cancel the licence;
- (b) disqualify any person from holding a licence;
- (c) disqualify any premises from being eligible as licensed premises; and
- (d) impose such conditions upon the holder of the licence as the circumstances require. 1951, c. 47, s. 4.

**43.** The Board shall cancel a licence, When licence to be cancelled

- (a) if the licence holder persistently fails to comply with this Act or *The Liquor Control Act* or the regulations hereunder or thereunder; or R.S.O. 1960, c. 217
- (b) if the licence holder persistently fails to carry out the orders of the Board, the Liquor Control Board of Ontario or the Fire Marshal of Ontario; or
- (c) if the licence holder persistently fails to keep the licensed premises in a clean and sanitary condition; or
- (d) if the licence holder persistently fails to comply with any municipal by-law affecting the licensed premises; or
- (e) if any of the circumstances exist that under subsection 1 of section 28 or subsection 1 of section 29 prevent the issue of a licence. R.S.O. 1950, c. 211, s. 43.

**44.** The Board may suspend any licence or permit issued under this Act and shall give reasons therefor at the time of the hearing. 1951, c. 47, s. 5. Powers of Board to suspend licences, etc.

#### TRANSFER OF LICENCES

**45.—(1)** No licence shall be transferred except with the consent in writing of the Board and the Board is not under any circumstances bound to give such consent. 1953, c. 58, s. 4 (1), *part*. Transfer of licences

(2) Upon a transfer of a licence, the transferor shall pay to the Liquor Control Board of Ontario at the time of the transfer such fee as the regulations prescribe. 1953, c. 58, s. 4 (1), *part*; 1960, c. 60, s. 5 (1). Transfer fee

(3) The amount payable to the Liquor Control Board of Ontario under subsection 2 constitutes a debt due to the Liquor Control Board of Ontario and is recoverable by action in any court of competent jurisdiction. R.S.O. 1950, c. 211, s. 44 (4); 1960, c. 60, s. 5 (2). Amount payable to L.C.B.O. constitutes debt due Board



Registration of notice

(4) A notice in the prescribed form of the amount payable under subsection 2 may be registered against the lands upon which the premises in respect of which the licence was issued are situate in the proper registry or land titles office, and upon registration, the notice operates as a charge against such lands and the buildings thereon. R.S.O. 1950, c. 211, s. 44 (5).

Transfer of licence, when deemed final

(5) The transfer of a licence shall not be deemed to be final until the amount of the transfer fee has been paid in full. R.S.O. 1950, c. 211, s. 44 (6); 1953, c. 58, s. 4 (2).

Issue or transfer of shares of corporation

**46.** The Board may in its discretion require the directors of an incorporated company that is the holder of a licence to present to the Board for approval any issue or transfer of shares of its capital stock, and where in the opinion of the Board a substantial interest is issued or transferred, subsection 2 of section 45 applies *mutatis mutandis*. 1953, c. 58, s. 5.

Power of Board to purchase premises

**47.—**(1) Subject to the approval of the Lieutenant Governor in Council, the Board has the right to purchase any licensed premises or any shareholding interest therein at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under section 45, and the Board may exercise such right by serving notice in writing thereof upon the vendor.

Payment of purchase price

(2) Whenever the Board has exercised the right of purchase mentioned in subsection 1, the purchase price or any part thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of the Liquor Control Board of Ontario upon the requisition of the Board.

Board may sell licensed premises

(3) Subject to the approval of the Lieutenant Governor in Council, the Board may sell any licensed premises or any shareholding interest acquired under this section. R.S.O. 1950, c. 211, s. 45.

#### COMPENSATION FOR DISQUALIFICATION

Compensation may be awarded

**48.—**(1) Where the Board disqualifies any premises from holding a licence for a cause that is not the fault of or is beyond the control of the licence holder, it may, subject to the approval of the Lieutenant Governor in Council, award by way of compensation to the owner of the premises or to the holder of the licence, as the Board sees fit, a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises, which sum shall be determined by a fee, schedule or other method of valuation prescribed by the regulations.

Payment

(2) The Liquor Control Board of Ontario shall pay the compensation mentioned in subsection 1 upon the requisition of the Board. R.S.O. 1950, c. 211, s. 46.

## REVENUE

**49.** All moneys received by the Board from licence fees or otherwise arising in the administration of this Act shall be paid to the Liquor Control Board of Ontario. R.S.O. 1950, c. 211, s. 47. Payment of revenue

## SALE OF LIQUOR IN LICENSED PREMISES

**50.** No liquor shall be kept for sale, sold or served in any licensed premises except such liquor as is, What liquor may be sold

(a) prescribed in the licence; and

(b) purchased by the holder of the licence in accordance with *The Liquor Control Act* and the regulations thereunder. R.S.O. 1950, c. 211, s. 48. R.S.O. 1960, c. 217

**51.** The Board shall in every licence issued specify the part of the establishment to which the sale, serving and consumption of liquor is restricted and confined. R.S.O. 1950, c. 211, s. 49. Sale of liquor in specified places only

**52.** Except as permitted by the Board, where two types of public house licences are issued for an establishment, Public house licences, where two issued for establishment

(a) there shall be no internal means of communication between the premises operated under each of such licences;

(b) each of such premises shall have separate entrances for the public;

(c) separate dispensing and other equipment shall be used in serving the public using each of such premises; and

(d) the employees employed in serving the public in each of such premises shall not enter the other of such premises. R.S.O. 1950, c. 211, s. 50.

**53.—(1)** No liquor shall knowingly be sold or served in or at any licensed premises to any person who is under the age of twenty-one years. R.S.O. 1950, c. 211, s. 51 (1). Minors

(2) No liquor shall be sold or supplied to a person who is apparently under the age of twenty-one years, and in any prosecution for a contravention of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years. R.S.O. 1950, c. 211, s. 51 (2); 1953, c. 58, s. 6. Idem

**Intoxicated persons**

(3) No liquor shall be sold or supplied on or at any licensed premises to or for any person who is apparently in an intoxicated condition. R.S.O. 1950, c. 211, s. 51 (3); 1960, c. 60, s. 6.

**Conduct of premises**

(4) No person holding a licence under this Act shall permit or suffer in the premises for which the licence is issued,

- (a) any constable or other police officer while on duty to consume any liquor;
- (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
- (c) any person of notoriously bad character to remain; or
- (d) any slot machine or any device used for gambling to be placed, kept or maintained.

**Minors on premises**

(5) No person holding a licence under this Act shall permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the licensed premises where liquor is sold or kept for sale, except in a dining room or dining lounge.

**Objectionable persons**

(6) Any person holding a licence under this Act who has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such licence is issued that such person, although not of notoriously bad character, is present for some improper purpose or is committing an offence against this Act or the regulations, may request such person to leave the licensed premises immediately and, unless the request is forthwith complied with, such person may be forcibly removed. R.S.O. 1950, c. 211, s. 51 (4-6).

**Minors**

**54.—**(1) No person under the age of twenty-one years shall have, purchase or consume liquor on any licensed premises.

**Idem**

(2) Any person under the age of twenty-one years who enters or is found upon that part of a licensed premises where liquor is sold or kept for sale, except in a dining room or dining lounge, is guilty of an offence against this Act. R.S.O. 1950, c. 211, s. 52.

**Sale and consumption**

**55.** No liquor may be sold or served to any person or consumed by him in any licensed premises except in accordance with the regulations. R.S.O. 1950, c. 211, s. 53.

**Neglecting children**

**56.** No person who is a parent, guardian or head of a family having the care, custody and control of a child under the age of eight years shall enter or remain upon any premises



where liquor is sold or kept for sale while such child is unattended by a competent person. R.S.O. 1950, c. 211, s. 54.

**57.**—(1) No distillery, brewery, winery or person shall, either directly or indirectly, offer or give any financial or material inducement to any licensee or his agent or employee for the purpose of increasing the sale or distribution of any brand of liquor, whether such inducement is by way of discount, rebate, sale under the established price for products of the same or a similar quantity, or by the installation of equipment or other form of payment or benefit. R.S.O. 1950, c. 211, s. 55. Inducements to licensees

(2) No licensee, his agent or employee shall, either directly or indirectly, request, demand or receive any financial or material inducement, discount or rebate mentioned in subsection 1. 1960, c. 60, s. 7. Inducements, taking of, prohibited

**58.** No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no interdicted person shall enter on or be permitted or suffered to remain in that part of any licensed premises where liquor is sold, except in a dining room or dining lounge. R.S.O. 1950, c. 211, s. 56. Sales to interdicted persons prohibited

**59.** Any constable or other police officer may arrest without warrant any person whom he finds committing an offence against this Act or the regulations. R.S.O. 1950, c. 211, s. 57. Arrest without warrant

#### PENALTIES AND PROCEDURE

**60.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence against this Act whether otherwise so declared or not. R.S.O. 1950, c. 211, s. 58. Offence

**61.**—(1) Every person who contravenes subsection 1 of section 53 is guilty of an offence and shall, for the first offence, be imprisoned for a term of not less than one month and not more than three months, and for a second or subsequent offence be imprisoned for a term of not less than four months and not more than twelve months. R.S.O. 1950, c. 211, s. 59 (1). Penalties, s. 53 (1)

(2) Every person who contravenes subsection 1 of section 57 is guilty of an offence and liable to a fine of not more than \$10,000. R.S.O. 1950, c. 211, s. 59 (2); 1960, c. 60, s. 8 (1). Idem, s. 57 (1)

(3) Every person who contravenes subsection 2 of section 57 is guilty of an offence and liable to a fine of not more than \$1,000. 1960, c. 60, s. 8 (2). Idem, s. 57 (2)



Idem,  
general

(4) Every person who contravenes any of the provisions of this Act or the regulations, other than subsection 1 of section 53 or section 57, is guilty of an offence and is liable for a first offence to a fine of not less than \$10 and not more than \$500 and in default of immediate payment shall be imprisoned for a term of not more than two months, or to imprisonment for a term of not more than thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a term of not more than three months.

Corpora-  
tions

(5) Where an offender convicted of an offence referred to in this section, other than a contravention of section 57, is a corporation, it is liable to a fine of not less than \$1,000 and not more than \$3,000. R.S.O. 1950, c. 211, s. 59 (3, 4).

Onus

**62.** In the prosecution of any offence under this Act in which possession of liquor is an element of the offence, upon *prima facie* proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof. R.S.O. 1950, c. 211, s. 60.

Removal  
of liquor  
packages

R.S.O. 1960,  
c. 217

**63.** Proof of the removal of any liquor from any licensed premises in any package is *prima facie* evidence against the person holding the licence for such premises of the sale of liquor contrary to this Act or *The Liquor Control Act*. R.S.O. 1950, c. 211, s. 61.

Analysis

**64.** In any prosecution under this Act or the regulations, upon production by a constable or other police officer of a certificate or report signed or purporting to be signed by a federal or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, the certificate or report is conclusive evidence of the facts stated in the certificate or report and of the authority of the person giving or making it without any proof of appointment or signature. R.S.O. 1950, c. 211, s. 62.

Inference  
as to in-  
toxicating  
liquor

**65.** The justice trying a case is at liberty to infer, in the absence of proof to the contrary, that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name that is commonly applied to an intoxicating liquor. R.S.O. 1950, c. 211, s. 63.

Recovery  
of penalties

R.S.O. 1960,  
cc. 387, 217

**66.**—(1) The penalties imposed by or under the authority of this Act are recoverable under *The Summary Convictions Act* and the provisions of that Act apply to prosecutions thereunder, except that the provisions of *The Liquor Control Act* relating to appeals apply to appeals under this Act.

(2) Subject to section 87, all money penalties imposed under this Act or the regulations, after deducting all necessary costs, shall be paid by the justice to the Liquor Control Board of Ontario. R.S.O. 1950, c. 211, s. 64.

Fines to be  
paid to  
Liquor  
Control  
Board

#### CIVIL LIABILITY

**67.** Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,

Civil  
liability

- (a) commits suicide or meets death by accident, an action under *The Fatal Accidents Act* lies against the person who or whose servant or agent sold the liquor; or
- (b) causes injury or damage to the person or property of another person, such other person is entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor. R.S.O. 1950, c. 211, s. 65.

R.S.O. 1960,  
c. 138

#### EMPLOYEES OF LICENCE HOLDERS

**68.**—(1) The Board may require every person who, being an employee of a person who operates licensed premises, is in any way engaged in selling or serving liquor, to obtain an employee's licence from the Board in accordance with the regulations.

Employees  
of licences  
holders

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's licence, no person who is not so licensed shall be employed in the sale or serving of liquor in any licensed premises. R.S.O. 1950, c. 211, s. 66.

Sale by  
licensed  
employees

#### LOCAL OPTION

**69.**—(1) None of the provisions of this Act, except section 23, apply in any area in which the *Canada Temperance Act* is in force.

Areas where  
C.T.A. in  
force  
R.S.C. 1952,  
c. 30

(2) Upon the *Canada Temperance Act* ceasing to be in force in any area, this Act applies in such area, but,

Application  
of Act upon  
C.T.A.  
ceasing to  
be in force

- (a) in an area where a by-law prohibiting the sale of liquor by retail passed under any Act of the Legislature was in force when the *Canada Temperance Act*

or *The Ontario Temperance Act* came into force, no government stores for the sale of liquor or for the sale of beer only shall be established, no Ontario wine stores shall be authorized and no licences shall be issued until a vote has been taken in the manner provided in section 72; and

- (b) in an area where no by-law prohibiting the sale of liquor by retail passed under any Act of the Legislature was in force when the *Canada Temperance Act* or *The Ontario Temperance Act* came into force, no licences shall be issued in respect of an establishment classified as an hotel, tavern, restaurant or public house until a vote has been taken in the manner provided in section 72.

Machinery  
for vote

(3) In every area to which subsection 2 applies, the provisions of section 72 apply *mutatis mutandis* to a vote referred to in subsection 2 that is taken in any municipality therein, notwithstanding that a by-law mentioned in section 70 is not in force in such municipality. R.S.O. 1950, c. 211, s. 67.

Government  
stores and  
wine stores  
not to be  
established  
in certain  
districts

R.S.O. 1916,  
c. 50;  
R.S.O. 1914,  
c. 215

**70.** Except as provided by this Act and the regulations, no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in any municipality or part of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor Licence Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or any other Act was in force prohibiting the sale of liquor by retail until a vote has been taken in the manner provided in section 72. R.S.O. 1950, c. 211, s. 68; 1960, c. 60, s. 9.

Provision  
for vote in  
certain  
circumstances

**71.**—(1) In any municipality to which section 70 does not apply and in which no government store for the sale of liquor or for the sale of beer only has been established and no Ontario wine store has been authorized and no premises have been licensed, the council may, and on petition as provided by section 72 shall, submit to the electors all or any of the questions in section 72.

Where  
negative  
vote polled

(2) If three-fifths of the electors voting on a question vote in the negative, no government store for the sale of liquor or for the sale of beer only shall be established or no Ontario wine store shall be authorized or no premises shall be licensed, as the case may be, in the municipality. 1951, c. 47, s. 6.

Submission  
of question

**72.**—(1) The council of any municipality in which a by-law mentioned in section 70 is in force or a vote has been taken under section 71 may submit to a vote of the persons qualified



to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions:

1. Are you in favour of the establishment of government stores for the sale of liquor?
2. Are you in favour of the establishment of government stores for the sale of beer only for residence consumption?
3. Are you in favour of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
4. Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
5. Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
6. Are you in favour of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
7. Are you in favour of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
8. Are you in favour of the sale of liquor under a lounge licence for consumption on licensed premises?  
R.S.O. 1950, c. 211, s. 69 (1); 1951, c. 47, s. 7.

(2) Where a petition in writing signed by at least 25 per cent of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit one or more of the questions set out in subsection 1 is filed with the clerk of the municipality and with the Board, the council shall submit such question or questions to a vote of the electors.

Petition  
requesting  
submission  
of questions

(3) Where three-fifths of the electors voting on the question vote in the affirmative, it is lawful to establish government stores, authorize Ontario wine stores or issue licences in the municipality accordingly. R.S.O. 1950, c. 211, s. 69 (2, 3).

Where  
affirmative  
vote  
polled

**73.**—(1) Where a government store is established, an Ontario wine store authorized, or premises licensed in a municipality, the council may, and on petition as provided in section 72, which section applies *mutatis mutandis*, shall

Submission  
of questions  
as to  
continuance  
of stores



submit to the electors whichever of the following questions are applicable:

1. Are you in favour of the continuance of government stores for the sale of liquor?
2. Are you in favour of the continuance of government stores for the sale of beer only for residence consumption?
3. Are you in favour of the continuance of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
4. Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
5. Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
6. Are you in favour of the continuance of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
7. Are you in favour of the continuance of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
8. Are you in favour of the continuance of the sale of liquor under a lounge licence for consumption on licensed premises?

Where  
negative  
vote polled

(2) Where three-fifths of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, the authority of any Ontario wine store authorized in the municipality shall be terminated or licences of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon. R.S.O. 1950, c. 211, s. 70.

Questions  
to be  
submitted

**74.** Where petitions are presented praying for the submission of a definite question or set of questions, the question or questions to be submitted shall be that or those asked for in the first petition filed, unless the Board otherwise directs. R.S.O. 1950, c. 211, s. 71.

**75.** Where a question is submitted in a municipality under section 71, 72 or 73, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission. R.S.O. 1950, c. 211, s. 72; 1951, c. 47, s. 8, *part*. Questions not to be submitted again for three years

**76.**—(1) At least five weeks before the taking of a vote upon any question under section 71, 72 or 73 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally has all the powers and shall perform all the duties and is subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager. R.S.O. 1950, c. 211, s. 73 (1); 1951, c. 47, s. 9 (1). Appointment of managers for vote

(2) When a petition has been filed with the clerk of the municipality pursuant to section 71, 72 or 73, the clerk shall give notice in writing of the filing to each of the managers, and the managers are, for a period of four weeks from the date of such notice, entitled to examine and inspect the petition. R.S.O. 1950, c. 211, s. 73 (2); 1951, c. 47, s. 9 (2). Notice of filing of petition

**77.** The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Act*, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality, unless the Board fixes some other day and notifies the clerk of the municipality to that effect, but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be. R.S.O. 1950, c. 211, s. 74. Date of polling  
R.S.O. 1950,  
c. 249

**78.** The persons qualified to vote upon a question or questions are such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions; provided that in the event of the taking of a vote under section 73, notwithstanding anything contained in any Act, persons resident in any part of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law under *The Liquor Licence Act* being chapter 215 of the Revised Statutes of Ontario, 1914, Who may vote  
1916, c. 50  
R.S.O. 1914,  
c. 215

or under any other Act was in force prohibiting the sale of liquor by retail, are not entitled to sign a petition pursuant to this section, except a petition respecting only such part of the municipality, and are not entitled to vote on the said question or questions until a vote has been taken in such part of the municipality on one or more of the questions set out in subsection 1 of section 72, and three-fifths of the electors voting on such question or questions have voted in the affirmative. R.S.O. 1950, c. 211, s. 75.

Application  
of general  
law  
R.S.O. 1960,  
cc. 118, 420

**79.**—(1) Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* respecting,

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions apply to the taking of a vote under this Act.

Directions  
as to taking  
vote

(2) Subject to the approval of the Lieutenant Governor in Council, the Chief Election Officer shall give such directions and make such regulations and prepare such forms as appear to him to be necessary in carrying out sections 70 to 83 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* or *The Voters' Lists Act* when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances that may arise and that are not provided for or contemplated by sections 70 to 83.

Forms

(3) The forms to be used at the taking of the vote upon a question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as is necessary.

Clerk of  
revision

(4) The clerk of the municipality shall perform the duties imposed upon the clerk of the revising officer by Part III of *The Voters' Lists Act*. R.S.O. 1950, c. 211, s. 76.

Revision  
of lists

**80.**—(1) The voters' lists shall be revised as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly, and polling lists shall be pre-



pared as provided by *The Election Act*, and the chairman of the election board may generally take all the proceedings that may be taken by the board in the case of an election to the Assembly.

(2) The chairman is entitled to a fee of \$10 for every day upon which a sitting is actually held and his actual and necessary travelling expenses. <sup>Chairman's fees</sup>

(3) It is not necessary for the polling lists for use at the taking of a vote to be printed, nor is it necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively. R.S.O. 1950, c. 211, s. 77. <sup>Polling lists</sup>

**81.** The fees and expenses to be allowed to returning officers and other officers and servants for services performed under sections 70 to 83, and the expenses incurred in carrying out such sections shall be fixed by the Lieutenant Governor in Council and shall be taxed and allowed by the chairman of the election board and paid by the treasurer of the municipality to the persons entitled thereto. R.S.O. 1950, c. 211, s. 78. <sup>Fees and expenses</sup>

**82.**—(1) The returning officer upon the taking of a vote shall be the clerk of the municipality, or, in case of his inability to act or of a vacancy in the office, some person to be appointed by by-law of the municipal council. R.S.O. 1950, c. 211, s. 79 (1). <sup>Returning officer</sup>

(2) The returning officer shall make his return to the Chief Election Officer showing the number of votes polled for the affirmative and negative on the question or questions submitted and, upon the receipt of such return, the Chief Election Officer shall make his return to the Lieutenant Governor in Council and give notice thereof in *The Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions. R.S.O. 1950, c. 211, s. 79 (2); 1954, c. 45, s. 1. <sup>Return to Chief Election Officer</sup>

**83.**—(1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, and any notice of motion required under that Part shall be served on such person as the judge or master, as defined in that Part, directs. <sup>Where validity of vote questioned</sup>  
R.S.O. 1960, c. 249

## Recounts

(2) Notwithstanding anything in this or any other Act, where a recount of a vote on any question or questions submitted under this Act is requested, sections 121 and 122 of *The Municipal Act* apply *mutatis mutandis*. R.S.O. 1950, c. 211, s. 80.

## AMALGAMATIONS, ETC.

Amalgamations,  
annexations,  
not to affect  
status quo  
under Act

**84.**—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a part of a municipality to another municipality affects the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or part annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or part annexed, as the case may be.

Who  
entitled  
to vote

(2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 72 or 73 are the persons who are resident in the municipality amalgamated or municipality or part annexed, as the case may be, and who are qualified to be entered on the voters' list and to vote at elections to the Assembly. 1951, c. 47, s. 10.

## REGULATIONS

## Regulations

**85.** The Board, with the approval of the Lieutenant Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board deems necessary, and without limiting the generality of the foregoing, such powers extend to and include,

- (a) prescribing the special accommodation, facilities and equipment that shall be required in or in respect of the various classes of premises for which the various classes of licence may be issued including the prescribing of different standards of accommodation, facilities and equipment in different classes of establishments;
- (b) providing for different classes of clubs and prescribing the manner in which clubs of the different classes shall be organized and the special accommodation, facilities and equipment that shall be required, and in the case of any class of clubs, prescribing who shall be deemed to be members thereof for the purposes of this Act;
- (c) prescribing the special services that shall be furnished in a dining lounge;

- (*d*) restricting the classes of licences that may be issued to any class of establishments;
- (*e*) restricting the scope and effect of licences of the various classes and prescribing terms and conditions governing the sale of liquor and other relevant matters relating to the operation of premises for which licences of the various classes are issued;
- (*f*) prescribing the fees payable in respect of the issue and transfer of licences, including the prescribing of fees in varying amounts for licences issued in respect of various classes of establishments;
- (*g*) prescribing the fees, schedules or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 45 and 48;
- (*h*) governing and regulating premises in respect of which licences may be issued;
- (*i*) governing the issue, renewal, transfer, refusal, suspension and cancellation of licences;
- (*j*) governing the location, construction, maintenance, management and operation of licensed premises;
- (*k*) governing the issue and cancellation of banquet, entertainment or military mess permits and prescribing the fees payable in respect of the issue of such permits;
- (*l*) governing the purchase, delivery, keeping for sale, sale, serving and consuming of liquor;
- (*m*) prescribing the persons to whom the sale of liquor is to be restricted or prohibited;
- (*n*) prescribing the periods of the year and the days and hours when liquor may be sold, served and consumed and providing for the alteration thereof by the Board in respect to individual holders of a licence or in any municipality or prescribed area;
- (*o*) providing for the licensing of employees of persons operating licensed premises and prescribing requirements applicable to such employees;
- (*p*) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to licensed premises and the examination and audit that shall be made of such books and records;



- (q) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board and the books of account and other records to be kept by the Board;
- (r) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service;
- (s) prescribing the signs that may be erected on or in licensed premises;
- (t) prescribing the hours and days upon which and the manner, methods and means by which liquor shall be delivered to licensed premises;
- (u) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding a licence;
- (v) governing the manner of incorporation of corporations that may hold licences;
- (w) prescribing the procedure to be followed upon applications to the Board;
- (x) prescribing the form of ballots to be used for voting upon a question submitted in a municipality; and
- (y) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 211, s. 81.

#### REPORTS

##### Reports

**86.**—(1) The Board shall from time to time make reports to the Lieutenant Governor in Council covering such matters in connection with the administration of this Act as he requires, and shall annually make to the Lieutenant Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,

- (a) a statement of the operations of the Board;
- (b) a statement of the number of licences in existence and the names of the owners thereof at such 31st day of March;
- (c) a detailed statement of the number of licences which were issued, renewed, transferred, cancelled or suspended and the names of the owners thereof;

- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act; and
- (g) any information requested by the Minister.

(2) Every annual report shall be laid before the Assembly as soon as may be. R.S.O. 1950, c. 211, s. 82. Report to be presented to Assembly

#### AGREEMENT WITH MUNICIPALITY

**87.** Subject to the approval of the Lieutenant Governor in Council, the Board may enter into an agreement with the council of any municipality for the enforcement in the municipality by the council of this Act, *The Liquor Control Act* and the regulations hereunder and thereunder, and may in such agreement provide for the payment to the council of, Agreement with municipality  
R.S.O. 1960, c. 217

- (a) a portion of the fees for licences issued in respect of establishments in the municipality; and
  - (b) the fines or a portion of the fines imposed in prosecutions instituted by officers designated by the council pursuant to the agreement, for a contravention of this Act, *The Liquor Control Act* or the regulations hereunder or thereunder in the municipality. R.S.O. 1950, c. 211, s. 83.
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